



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 17, 2018

Mr. Davey Warner
1150 Chess Drive
Foster City, CA 94404

Dear Mr. Warner:

**CITATION NO. 02-17-18C-017
TOTAL COLIFORM RULE E. COLI MAXIMUM CONTAMINANT LEVEL VIOLATION
AND MONITORING AND REPORTING VIOLATION
CUTTER SCOUT RESERVATION, WATER SYSTEM NO. 4100532**

Enclosed is a citation issued to the Pacific Skyline Council and its Cutter Scout Reservation water system for failure to comply with Section 64426.1(b) and Section 64424(d), Chapter 15, Title 22 of the California Code of Regulations.

Any person who is aggrieved by a citation issued by the deputy director of the Division of Drinking Water may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the Division of Drinking Water mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or State holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml.

If you have any questions regarding this citation, please contact Philip Dutton at (510) 620-3654 or via email at Philip.Dutton@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Drinking Water Field Operations Branch
Division of Drinking Water

cc: San Mateo County Environmental Health

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Cutter Scout Reservation

Water System No.: 4100532

Attn: Mr. Davey Warner, Program Director
Pacific Skyline Council, Boy Scouts of America
1150 Chess Drive
Foster City, CA 94404

Issued: April 17, 2018

CITATION FOR NONCOMPLIANCE
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL AND
MONITORING AND REPORTING VIOLATION
CALIFORNIA CODE OF REGULATIONS
TITLE 22, SECTIONS 64426.1(b)(2) and 64424(d)

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4,



1 commencing with Section 116270), or any regulation, standard, permit, or order
2 issued or adopted thereunder.

3
4 The State Board, acting by and through its Division of Drinking Water (hereinafter
5 "Division") and the Deputy Director for the Division, hereby issues this citation
6 pursuant to Section 116650 of the CHSC to the Pacific Skyline Council, Boy Scouts of
7 America (hereinafter, "PSC" ") (1150 Chess Drive, Foster City, CA 94404) and its
8 Cutter Scout Reservation water system (hereinafter "CSR" or "Water System") for
9 violation of California Code of Regulations (CCR), Title 22, Section 64426.1(b)(2).

10
11
12 **STATEMENT OF FACTS**

13 Cutter Scout Reservation is a transient-noncommunity water system that provides
14 potable water to a reported population of 100 visitors and limited on-site staff to a Boy
15 Scout campground. The Water System also provides domestic water service to one
16 residence. As of August 23, 2017, Well 1A was approved as a new source of
17 domestic water for the Water System and Well 2 was classified as a standby source.
18 Previously, Well 2 was the Water System's sole source of water.

19
20 CCR, Title 22, Section 64423(a)(3) specifies that a transient-noncommunity water
21 system using groundwater and serving less than 1,000 persons a month shall collect
22 one routine bacteriological water sample each calendar quarter during which the
23 system provides water to the public. If the routine sample is total coliform positive, the
24 Water System shall collect a repeat sample set as specified in Section 64424.

25
26 CCR, Title 22, Section 64424(d) specifies that if a public water system for which fewer
27 than five routine samples per month are collected has one or more total coliform-



1 positive samples, the water supplier shall collect at least five routine samples the
2 following month. The five routine samples are to be collected from the distribution
3 system.

4
5 CSR collected one routine bacteriological sample on January 16, 2018. The sample
6 was reported as showing the presence of total coliform bacteria and an absence of
7 E.coli bacteria. Repeat samples were collected on January 23, 2018, and included
8 four distribution system samples and one source water sample. The source water
9 sample from Well 2 was absent for total coliform bacteria but three of the four
10 distribution system sample sites showed the presence of total coliform bacteria, and
11 one of the four samples (the Harkson Lodge sample) also showed the presence of E.
12 coli bacteria.

13
14 A Boil Water Order was put in effect on January 25, 2018, immediately upon the
15 Division's receipt of the laboratory results of the repeat samples submitted by CSR.
16 The Water System collected three additional rounds of distribution system monitoring
17 and the Boil Water Order was lifted on April 4, 2018, after two consecutive rounds of
18 sampling showed no detectable total coliform bacteria without a chlorine residual.

19
20 During a Level 2 Assessment the Division conducted on January 29, 2018, the
21 Division reiterated its previous advisements that five routine distribution system
22 samples were required for February. The Water System collected four distribution
23 system samples and one source sample on February 28, 2018, from its distribution
24 system sample sites. The Division did not receive any further sampling for the month
25 of February 2018.



The table below provides a summary of the coliform monitoring reported for the Water System for the first quarter of 2018:

Sample Type	Sample Date	# Samples Collected	# Total Coliform Present	# E. coli Present
Distribution	1/16/2018	1	1	0
Distribution	1/23/2018	4	3	1
Source	1/23/2018	1	0	0
Distribution	2/28/2018	4*	0	0
Source	2/28/2018	1	0	0
Distribution	3/20/2018	4	0	0
Source	3/20/2018	1	0	0
Distribution	3/30/2018	4	0	0
Source	3/30/2018	1	0	0

* Samples reported with chlorine residual

DETERMINATION

The Division has determined that the Cutter Scout Ranch water system failed to comply with the California Code of Regulations, Title 22, Section 64426.1(b)(2) for the month of January 2018. Specifically, the Water System failed the total coliform and the acute *E. Coli* maximum contaminant level with four of the five distribution system bacteriological samples collected in January 2018 that showed the presence of total coliform positive bacteria, including one sample that showed the presence of *E. coli*.

The Division has further determined that the Cutter Scout Ranch water system failed to comply with the California Code of Regulations, Title 22, Section 64424(d) for the month of February 2018. Specifically, the Water System failed to collect the five required routine samples in a month following a detection of total coliform bacteria.



DIRECTIVES

Cutter Scout Reservation is hereby directed to take the following actions:

1. Forthwith, CSR shall cease and desist from failing to comply with the CCR, Title 22, Section 64426.1 (b) (2).
2. Within 30 days of receipt of this Citation, CSR shall conduct public notification for the total coliform maximum contaminant level violation and the monitoring and reporting violation in conformance with CCR, Title 22, Chapter 15, Section 64463.4. The notification shall: (1) be posted in conspicuous locations through the area served by the water system; (2) be posted for a minimum of seven calendar days; and (3) be directly delivered to the residences served by the water system. CSR satisfied this directive by posting the Boil Water Notice immediately following the total coliform MCL violation and detection of E. coli bacteria, as observed by the Division.

All submittals required by this Citation shall be electronically submitted to the Division at the following address. The subject line for all electronic submittals corresponding to this citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Mr. Eric Lacy, P.E.
District Engineer, Santa Clara District
Division of Drinking Water
State Water Resources Control Board
850 Marina Bay Parkway
Building P, 2nd Floor
Richmond, CA 94804-6403
DWPDist17@waterboards.ca.gov



1 The Division reserves the right to make such modifications to this Citation as it may
2 deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Citation, and shall be deemed effective upon issuance.

4
5 Nothing in this Citation relieves the System of its obligation to meet the requirements
6 of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with
7 Section 116270), or any regulation, standard, permit or order issued or adopted
8 thereunder.

9
10
11 **PARTIES BOUND**

12 This Citation shall apply to and be binding upon the System, its owners, shareholders,
13 officers, directors, agents, employees, contractors, successors, and assignees.

14
15 **SEVERABILITY**

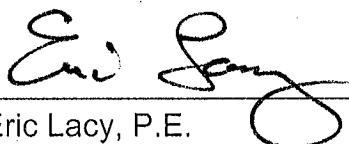
16 The Directives of this Citation are severable, and Pacific Skyline Council, Boy Scouts
17 of America shall comply with each and every provision thereof, notwithstanding the
18 effectiveness of any other provision.

19
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21 **FURTHER ENFORCEMENT ACTION**

22 The California SDWA authorizes the Board to: issue citation with assessment of
23 administrative penalties to a public water system for violation or continued violation of
24 the requirements of the California SDWA or any permit, regulation, permit or order
25 issued or adopted thereunder including, but not limited to, failure to correct a violation
26 identified in a citation or compliance order. The California SDWA also authorizes the
27 Board to take action to suspend or revoke a permit that has been issued to a public



1 water system if the system has violated applicable law or regulations or has failed to
2 comply with an order of the Board; and to petition the superior court to take various
3 enforcement measures against a public water system that has failed to comply with
4 violates an order of the Board. The Board does not waive any further enforcement
5 action by issuance of this citation.

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April 17, 2018

Date

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10 Mr. Eric Lacy, P.E.
11 District Engineer, Santa Clara District
12 Division of Drinking Water
13 State Water Resources Control Board

14 Attachment 1: Applicable Authorities

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16 Certified Mail # 7016 2070 0000 9541 6185
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ATTACHMENT 1

Applicable Statutes & Regulations

Citation Number 02-17-18C-17

Cutter Scout Reservation

System Number: 4100532

California Health and Safety Code, Section 116271 provides in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
 - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450),

to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

California Health and Safety Code, Section 116555 provides in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

California Health and Safety Code, Section 116650 provides in relevant part:

- (a) If the Division determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the Division may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The Division may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

California Code of Regulations, Title 22, Section 64426.1, Subsection (b)(2) provides in relevant part:

A public water system which collects fewer than 40 samples per month is in violation of the total coliform maximum contaminant level if more than one sample collected during any month is total coliform positive.

California Code of Regulations, Title 22, Section 64424, Subsection (d) provides in relevant part:

If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month.

ATTACHMENT 2

PROOF OF COMPLIANCE

Citation Number 02-17-18C-_____
Cutter Scout Reservation
System Number: 4100532

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Cutter Scout Reservation, of the total coliform maximum contaminant level violation of Section 64426.1(b)(2) Chapter 15, Title 22, California Code of Regulations, for the compliance period of July 2017.

I complied with the directives of this citation as indicated below:

Required Action

Date Completed

1. Public notification

a. Posting in conspicuous places

b. Direct delivery to residences

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION. A COPY OF
THE DELIVERED OR MAILED NOTICE MUST BE ATTACHED TO THIS FORM**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.